

REMARKS

By the above amendment, the claims of this application have been amended in a manner which is considered to overcome the rejection thereof under 35 USC 112, second paragraph, in relation to the lack of antecedent basis as noted by the Examiner. Furthermore, the title and claims have been amended to clarify that the present invention is directed to an information electric appliance renting system with the claims reciting features that at least one information electric appliance is rented by a service providing company to a use contractor. In accordance with the present invention, as recited in the independent and dependent claims of this application, the information electric appliance enables sending of data exhibiting a work situation to a rent managing server of the service providing company through a communication line and also receives data relating to a rent inclusive of a consumed amount of electric power thereof from the rent managing server so that the service providing company receives from the use contractor payment of the rent inclusive of the consumed amount of electric power thereof and pays an electric power company an amount corresponding to the consumed amount of electric power by the least information electric appliance. By the present amendment, each of independent claims 1, 2, 4 and 10 have been amended to recite the aforementioned features. In this regard, as described in the paragraph bridging pages 20 and 21 of the specification since the service providing company makes a rental contract with a large number of used contractors an amount of consumed electric power becomes enormous so that the service providing company can make a contract with the electric power supplying company so as to receive a discount for electric power as compared with electric power contracts which individual use contractors make with the electric power company.

By the above amendment, applicants submit that the rejection of claims 1 - 20 under 35 USC 112, second paragraph should be overcome and all claims should be considered to be in compliance with 35 USC 112, second paragraph.

As to the rejection of claims 1 - 20 under 35 USC 102(a) as being anticipated by Yabutani et al (6,775,595B1), this rejection is traversed insofar as it is applicable to the claims, as amended and reconsideration and withdrawal of the rejection are respectfully requested.

As to the requirements to support a rejection under 35 USC 102, reference is made to the decision of In re Robertson, 49 USPQ 2d 1949 (Fed. Cir. 1999), wherein the court pointed out that anticipation under 35 U.S.C. §102 requires that each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. As noted by the court, if the prior art reference does not expressly set forth a particular element of the claim, that reference still may anticipate if the element is "inherent" in its disclosure. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." Moreover, the court pointed out that inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

As noted above, by the present amendment the claims of this application have been amended to clarify that the present invention is directed to an information electric appliance renting system in which a service providing company leases to the user one or more information electric appliances which transmit and receive information to and from a lease management server of the service providing

company. The service providing company uses the lease management server to receive information as to consumed electric power of the lease information electric appliance and transmits to the leased information electric appliance information as to a rental fee which includes a fee for the consumed electric power and the rental fee of the rented information of electric appliance which fee is then paid by the user to the service providing company. The service providing company pays the electric power company a fee corresponding to the consumed electric power of the rented information electric appliance. With such system, the user no longer has the burden of paying the electric power company for the electric power consumed by the rented information electric appliance. It is noted, however, as shown in Fig. 1 of the drawings of this application, for example, the user continues to pay the electric power company for electric power consumed by a standard electric appliance owned or rented by the user, as represented by the electric appliance 40, whereas the amount of consumed power for the information electric appliances, as represented by the appliances 31 - 33 and 16, are subtracted from the total amount of power consumed as indicated by the wattmeter 15, for example, which consumed power information for the rented information electric appliances is supplied to the electric power company by the service providing company.

With respect to Yabutani et al, this patent is directed to a method and apparatus which detects the consumed electric power for a load facility prior to supplying new equipment in the form of an inverter or inverter motor to control rotation of a number of inverters, and calculates a merit refund corresponding to saved electric power consumption determined by referring to the difference between data of electric power consumption prior to utilization of the inverter control and the data of the inverter control operation, and thereafter distributes the merit refund.

Thus, in Yabutani et al, the merit refund which corresponds to a saving of electric power by utilizing the inverter control operation with respect to the prior operation is divided in some proportion between the user and the service providing company and the service providing company receives a portion of the saved-energy fee in addition to a fee related to the inverter which may be possibly considered a lease or rental fee. However, in accordance with the method and apparatus of Yabutani et al, the user pays to the electric power supply company the fee for the consumed electric power. Yabutani et al does not disclose the communication of information in the manner recited in the claims nor the supply of rent information as defined for the information electric appliance.

In the present invention, as now set forth in each of the independent claims of this application, the service providing company leases the information electric appliance to the user and receives information from the information electric appliance and transmits thereto rent information. The service providing company receives the information as to the consumed electric power from the information electric appliance and receives a rental fee inclusive of the consumed electric power for the information electric appliance from the user while paying the electric power supply company an amount corresponding to the consumed electric power for the information electric appliance. Thus, it is apparent that the information electric appliance renting system of the present invention differs from the system disclose and taught by Yabutani et al in the sense of 35 USC 102 and applicants submit that independent claims 1, 2, 4 and 10 and the dependent claims thereof patentably distinguish over Yabutani et al in the sense of 35 USC 102 and should be considered allowable thereover.

With respect to the dependent claims, applicants note that the dependent claims recite further features of the present invention, which, when considered in conjunction with the parent claims further patentably distinguish over Yabutani et al. For example, the manner of communication among first and second information electric appliances as well as information obtained and utilized. Thus, the dependent claims should also be considered allowable.

Applicants further note that the present invention and Yabutani et al are commonly assigned and applicants submit that Yabutani et al is not properly utilizable under 35 USC 103 in light of 35 USC 103(c).

In view of the above amendments and remarks, applicants submit that all claims present in this application are in compliance with 35 USC 112, and that such claims patentably distinguish over Yabutani et al such that applicants request favorable action in this application.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 500.40416X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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